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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,007	12/11/2001	John Matthew Santosuosso	ROC920010158US1	2084
7590	12/11/2008		EXAMINER	
Leslie J. Payne IBM Corporation, Dept. 917 3605 Highway 52 North Rochester, NY 55901-7829			RANGREJ, SHEETAL	
			ART UNIT	PAPER NUMBER
			3686	
			MAIL DATE	DELIVERY MODE
			12/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/015,007	Applicant(s) SANTOSUSSO, JOHN MATTHEW
	Examiner SHEETAL R. RANGREJ	Art Unit 3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 September 2008.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4,7,9,13-16 and 19 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4,7,9,13-16 and 19 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Prosecution History Summary

1. Claims 5-6, 8, 10-12, 17-18, and 20-25 are cancelled.
2. Claims 1-4, 7, 9, 13-16, and 19 are amended.
3. Claims 1-4, 7, 9, 13-16, and 19 are pending.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/10/2008 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 9, 19, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al., U.S. Patent No. 6,161,099, reference A on the previously attached PTO-

892 in view of Lucking-Reiley, David, *Auctions on the Internet: What's Being Auctioned, and How?*, September 2000, *The Journal of Industrial Economics*, Volume XLVIII, No. 3, page 244,
reference U on the previously attached PTO-892, and Taylor et al., Publication No.
2002/0065763, reference A on the currently attached PTO-892.

5. As per claim 1, Harrington et al. teaches a computer-implemented method for controlling an auction event between a plurality of computer systems on a multi-user and interactive network, i.e. an apparatus and process for conducting auctions over electronic networks (see abstract, lines 1-3 of Harrington et al.); the method comprising the steps of: setting at least one parameter value for use in precluding a submitted bid of one or more bidders, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters (see column 4, lines 56-57 of Harrington et al.); and, automatically precluding the submitted bid of the one or more bidders at other computer systems on the network during the auction event that are identified by the parameter value, i.e. the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 4, lines 60-62 of Harrington et al.). However, Harrington et al. does not teach the portion of the method where the seller identifies the parameter value or wherein the parameter value is a membership history or bidding history. Lucking-Reiley, however, does teach the method of setting at least one parameter value for use in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for an auction at one computer system, i.e. on listing-agent sites, the individual seller chooses “a minimum acceptable bid amount” as a parameter in the auction listing (see page 244, lines 9-11 of

Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley). Additionally, Taylor et al. teaches wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, i.e. the summary table stores a summary of the feedback information regarding the bidders and sellers and bidders that have experienced a particular bidder's behavior during the past auctions provide the feedback information (or comments) regarding the bidder (see page 3, paragraph 0041, lines 3-7 of Taylor et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the methods of Harrington et al. and Lucking-Reiley. One of ordinary skill in the art would have been motivated to incorporate this feature so that the seller has valuable insights to evaluate the potential bidders (see page 4, paragraph 0044, lines 2-3 of Taylor et al.).

6. Applicant has amended claims 1-4, 7, 9, and 19, by adding the limitation membership duration parameter value. As However, none of the references explicitly teach a membership history wherein the bidders have to have been members for a specific length of time. Taylor et al., however, does teach the review of a bidder's bidding history or profile to determine whether or not to pre-approve the bidder to bid on a listing (see page 2, paragraph 0023, lines 8-11 of Taylor et al.). Since the success of online shopping sites depends upon their ability to provide enjoyable shopping experiences and easy-to-use and reliable environments in which

buyers and sellers can conduct business efficiently, it is paramount that certain bidders be precluded from bidding at an auction based upon particular parameters. As discussed in the above references, it is well-known in the art to prevent bidders from bidding based upon a variety of parameters. Therefore, it would have been obvious to try, by one of ordinary skill in the art at the time the invention was made, to preclude bidders without a particular length of membership and incorporate it into the methods of Harrington et al., Lucking-Reiley, and Taylor et al. since there are a finite number of identified, predictable potential solutions (i.e. exclusion parameters) to the recognized need (enjoyable, reliable, and easy-to-use shopping experiences) and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

3. As per claim 2, Harrington et al., Lucking-Reiley, and Taylor et al. teach the method of claim 1 as described above. Harrington et al. further teaches the method wherein the seller sets the at least one parameter value by an item registration mechanism when registering the auction at the one computer system, i.e. the Administration menu is used to create, modify or terminate auctions (see column 11, lines 63-65 of Harrington et. al.).

4. As per claim 3, Harrington et al., Lucking-Reiley, and Taylor et al. teach the method of claim 2 as described above. Harrington et al. further teaches the method wherein the setting of the at least one parameter value and the registering for an auction event is achieved by allowing the seller to use a user interface, i.e. the auctioneer maintains a web site from which information about bonds to be auctioned can be obtained and the website contains a user interface (see abstract and figure 2 of Harrington et al., lines 4-6).

5. As per claim 4, Harrington et al., Lucking-Reiley, and Taylor et al. teach the method of claim 2 as described above. Harrington et al. further teaches the method comprising the step of configuring a bid monitoring mechanism with the parameter value, i.e. the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 4, lines 56-60 of Harrington et al.).

7. As per claim 7, Harrington et al., Lucking-Reiley, and Taylor et al. teach the method of claim 4 as described above. Harrington et al. further teaches the method wherein a plurality of the parameter values are set by the item registration mechanism for configuring the bid monitoring mechanism so that the submitted bid of the one or more bidders will be precluded if at least one of the plurality of parameter values is not identified by the bid monitoring mechanism during the auction, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters (see column 4, lines 56-58 of Harrington et al.).

6. As per claim 9, Harrington et al. teaches a computer system adapted for use in a network, the computer system comprising: a memory containing an item registration application which accepts seller input regarding an auction i.e. the auctioneer is provided with a computer/server connected to a network such as the Internet and the auctioneer maintains a web site on the Internet through the server that may be accessed by users where the source code resides on the auctioneer's computer (see column 6, lines 40-43 and 56-57 of Harrington et al.); and a bid monitoring application, the bid monitoring application is configurable by the seller input, i.e. the selected bid information is predetermined by the issuer prior to the auction and is updated

continuously throughout the auction (see column 9, lines 11-13 of Harrington et al.); and, automatically precluding one or more bids from the one or more bidders at another computer system on the network during the auction event that is identified by the parameter value, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters and the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 4, lines 56-58 and 60-62 of Harrington et al.). However, Harrington et al. does not explicitly teach the portion of the method where the seller identifies the parameter value or that it is a membership history value or a bidding history value. Lucking-Reiley, however, does teach the method of setting at least one parameter value for use in precluding submitted bids of one or more bidders by a seller identifying the parameter value when registering for the auction using the item registration application, i.e. on listing-agent sites, the individual seller chooses “a minimum acceptable bid amount” as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley). It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley). Additionally, Taylor et al. teaches wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, i.e. the summary table stores a summary of the feedback information regarding the bidders and sellers and bidders that have experienced a particular bidder's behavior during the past auctions provide

the feedback information (or comments) regarding the bidder (see page 3, paragraph 0041, lines 3-7 of Taylor et al.). It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the systems of Harrington et al. and Lucking-Reiley. One of ordinary skill in the art would have been motivated to incorporate this feature so that the seller has valuable insights to evaluate the potential bidders (see page 4, paragraph 0044, lines 2-3 of Taylor et al.).

7. As per claim 19, Harrington et al. teaches a computer network implemented method of processing an online auction event in a multi-user networked environment, between a plurality of bidder client computer systems, an internet service provider server computer system, and a seller at a client computer system, i.e. the present invention is directed to a computer implemented process comprised of the steps of: establishing communications over a network between an auctioneer's computer and a plurality of bidders' computers; providing information regarding financial instruments to be sold to potential bidders (see column 4, lines 34-38 of Harrington et al.); comprising the steps of: receiving at the server a request from a seller client computer system for an auction to sell a good and/or service, i.e. providing information regarding financial instruments to be sold to potential bidders (see column 4, lines 38-39 of Harrington et al.); the server comprising a main memory including: an item registration application and a bid monitoring application, i.e. the auctioneer maintains a web site on the Internet through the server that may be accessed by users and the bid verification may include automatically refusing acceptance of submitted bids that do not conform to predetermined bid parameters (see column 6, lines 41-43 and column 4, lines 56-62 of Harrington et al.); a

processor and database storage for identifying and tracking files associated respectively with the seller and bidders, i.e. during the auction the auctioneer's server broadcasts or otherwise makes available selected bid information such as bidder status, or the current highest bid and, if desired, the identity of the current highest bidder and the auctioneer's computer also maintains a database of all bids which can be accessed by interested parties for their own use (see column 5, lines 20-24 and 37-39 of Harrington et al.); receiving seller information at the server through the item registration application which information is stored in the database storage, i.e. auction terms and conditions, and a description of the instruments to be auctioned, are broadcast or otherwise made available by the auctioneer's server to the bidder's computers where the computer maintains a database (see column 5, lines 17-20 and 37 of Harrington et al.); and monitoring submitted bids at the server from bidder clients by cross referencing the submitted bids in accordance with the parameter value in the database for determining automatically if the submitted bid is to be precluded from being considered in the auction event, i.e. the present invention provides for verifying that each bid is in conformance with predetermined bid parameters and automatically refusing acceptance of submitted bids that do not conform (see column 4, lines 56-62 of Harrington et al.). However, Harrington et al. does not explicitly teach the seller setting the parameter or where the parameter is a membership history or bidding history. Lucking-Reiley, however, does explicitly teach at least one parameter value that is set by the seller and which value is used for configuring the bid monitoring application, i.e. the individual seller chooses a minimum acceptable bid amount as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley) which the bids are verified for conformance (see column 4, lines 56-57 of

Harrington et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so that if the highest bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley). Additionally, Taylor et al. teaches wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, i.e. the summary table stores a summary of the feedback information regarding the bidders and sellers and bidders that have experienced a particular bidder's behavior during the past auctions provide the feedback information (or comments) regarding the bidder (see page 3, paragraph 0041, lines 3-7 of Taylor et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the methods of Harrington et al. and Lucking-Reiley. One of ordinary skill in the art would have been motivated to incorporate this feature so that the seller has valuable insights to evaluate the potential bidders (see page 4, paragraph 0044, lines 2-3 of Taylor et al.).

8. Claims 13-16 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington et al., U.S. Patent No. 6,161,099, reference A on the previously attached PTO-892 in view of Lucking-Reiley, David, *Auctions on the Internet: What's Being Auctioned, and How?*, September 2000, *The Journal of Industrial Economics*, Volume XLVIII, No. 3, page 244, reference U on the previously attached PTO-892, Taylor et al., Publication No. 2002/0065763, reference A on the currently attached PTO-892, and Danneels et al., U.S. Patent No. 6,272,472 B1, reference B on the previously attached PTO-892.

9. As per claim 13, Harrington et al. teaches a process directed to facilitate exclusion of bids automatically prior to bids being entered during an online auction on a computer network, i.e. the present invention is directed to a computer-implemented process comprised of the steps of: establishing communications over a network between an auctioneer's computer and a plurality of bidders' computers wherein each bid is verified in conformance with predetermined bid parameters and submitted bids that do not conform with the parameters are automatically refused (see column 4, lines 34-38 and 56-62 of Harrington et al.); automatically precluding bids from users at other computer systems on the network during the auction event that are identified by the at least one parameter value, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters and automatically refused to accept the submitted bids that do not conform to the parameters (see column 4, lines 56-62 of Harrington et al.). However, Harrington et al. does not explicitly teach a computer program that is contained on a computer readable medium, the setting of the parameter by a user, or wherein the parameter is a membership history or bidding history. Lucking-Reiley teaches the method to allow a seller to set at least one parameter value for use in precluding bids of one or more bidders by the seller identifying the at least one parameter value when registering for an auction at one computer system on a network, i.e. on listing-agent sites, the individual seller chooses "a minimum acceptable bid amount" as a parameter in the auction listing (see page 244, lines 9-11 of Lucking-Reiley). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Harrington et al. One of ordinary skill in the art would have been motivated to incorporate this feature so if the highest

bid does not exceed the amount of the reserve price, then the good will not be sold (see page 244, lines 13-14 of Lucking-Reiley). Also, Taylor et al. teaches wherein the parameter value relates to either a membership history value or a bidding history value of the one or more bidders, i.e. the summary table stores a summary of the feedback information regarding the bidders and sellers and bidders that have experienced a particular bidder's behavior during the past auctions provide the feedback information (or comments) regarding the bidder (see page 3, paragraph 0041, lines 3-7 of Taylor et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the methods of Harrington et al. and Lucking-Reiley. One of ordinary skill in the art would have been motivated to incorporate this feature so that the seller has valuable insights to evaluate the potential bidders (see page 4, paragraph 0044, lines 2-3 of Taylor et al.). In addition, none of the references teach the computer program product comprising a machine-readable medium. Danneels et al., however, teaches a computer program product comprising a medium readable by a computer, the computer readable medium having a computer code, i.e. computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the methods of Harrington et al., Lucking-Reiley, and Taylor et al. One of ordinary skill in the art would have been motivated to incorporate this feature for the

purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

10. Applicant has amended claims 13-16, by adding the limitation membership duration parameter value. All of the references teach precluding bids from being considered based upon certain parameters. However, none of the references explicitly teach a membership history wherein the bidders have to have been members for a specific length of time. Taylor et al., however, does teach the review of a bidder's bidding history or profile to determine whether or not to pre-approve the bidder to bid on a listing (see page 2, paragraph 0023, lines 8-11 of Taylor et al.). Since the success of online shopping sites depends upon their ability to provide enjoyable shopping experiences and easy-to-use and reliable environments in which buyers and sellers can conduct business efficiently, it is paramount that certain bidders be precluded from bidding at an auction based upon particular parameters. As discussed in the above references, it is well-known in the art to prevent bidders from bidding based upon a variety of parameters. Therefore, it would have been obvious to try, by one of ordinary skill in the art at the time the invention was made, to preclude bidders without a particular length of membership and incorporate it into the products of Harrington et al., Lucking-Reiley, Taylor et al., and Danneels et al. since there are a finite number of identified, predictable potential solutions (i.e. exclusion parameters) to the recognized need (enjoyable, reliable, and easy-to-use shopping experiences) and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

11. As per claim 14, Harrington et al., Lucking-Reiley, Taylor et al., and Danneels et al. teach the product of claim 13 as described above. Harrington et al. further teach the computer program product wherein the seller sets the at least one parameter value by an item registration mechanism when registering the auction at the one computer system, i.e. the Administration menu is used to create, modify or terminate auctions (see column 11, lines 63-65 of Harrington et al.).

12. As per claim 15, Harrington et al., Lucking-Reiley, Taylor et al., and Danneels et al. teach the product of claim 13 as described above. Harrington et al. further teaches the computer program product wherein the setting of the at least one parameter value and the registering for the auction event is achieved by allowing the seller to use a graphical user interface, i.e. the auctioneer maintains a web site from which information about bonds to be auctioned can be obtained and the website contains a user interface (see abstract and figure 2 of Harrington et al., lines 4-6).

13. As per claim 16, Harrington et al., Lucking-Reiley, Taylor et al., and Danneels et al. teach the product of claim 15 as described above. Harrington et al. further teaches the product comprising a bid monitoring mechanism that is configurable with the at least one parameter value, i.e. the present invention also provides for verifying that each bid is in conformance with predetermined bid parameters (see column 4, lines 56-58 of Harrington et al.).

Response to Arguments

8. Applicant argues that Harrington does not teach a seller identifying a membership duration parameter value. It is submitted that applicant is arguing against the references individually when a combination of references are used in the rejection. Taylor et al. was added because it discloses a membership duration parameter as being well-known in the art. Taylor does teach the review of a bidder's bidding history or profile to determine whether or not to pre-approve the bidder to bid on a listing. As discussed in the above references, it is well-known in the art to prevent bidders from bidding based upon a variety of parameters. Therefore, it would have been obvious to try, by one of ordinary skill in the art at the time the invention was made, to preclude bidders without a particular length of membership and incorporate it into the methods of Harrington et al., Lucking-Reiley, and Taylor et al. since there are a finite number of identified, predictable potential solutions (i.e. exclusion parameters) to the recognized need (enjoyable, reliable, and easy-to-use shopping experiences) and one of ordinary skill in the art could have pursued the known potential solutions with a reasonable expectation of success.

9. Applicant provides a mere conclusory statements regarding Examiner's use of the broad definition of the term "parameter" when rejecting the applicant's claimed invention. Applicant provides a scenario within the remarks (08/06/08), rather than how the prior art differentiates from the applicant's claimed invention; therefore, Examiner maintains the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEETAL R. RANGREJ whose telephone number is (571) 270-1368. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/SRR/
Patent Examiner
December 8, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
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